

KAUFMAN & LOGAN LLP

ATTORNEYS AT LAW

100 SPEAR STREET

12TH FLOOR

SAN FRANCISCO, CALIFORNIA 94105

TELEPHONE (415) 247-8300

FACSIMILE (415) 247-8310

E-MAIL: pdonsavage@kllaw.com

JEFFREY KAUFMAN¹
PETER J. LOGAN
W. MARTIN TELLEGEN (Ret.)
PAUL A. PETERS

GERALD F. ELLERSDORFER
PAULETTE DONSAVAGE
REBECCA B. AHERNE
TARA D. BODDEN
RANDALL P. BERDAN
EMME THOMPSON²
BETINA BAUMGARTEN
SCOTT LOVERNICK
JENNA SETTINO

¹ ADMITTED ALSO IN WISCONSIN

² ADMITTED ALSO IN NEW YORK

³ ADMITTED ALSO IN OREGON

TRANSMITTAL

February 15, 2008

VIA EMAIL

The Honorable Jeffrey S. White
United States District Judge
Courtroom 2, 17th Floor
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

RE: ***Bank of America N.A. v. AIU Insurance Co., et al.***
USDC – Northern District of California, Case No. 07-04638 JSW
K&L File No. 1526.007

Dear Judge White:

We represent Bank of America in the above captioned case. The parties have agreed to court sponsored mediation, which the court ordered be completed by March 14, 2008. Because of scheduling issues, the mediation is currently scheduled for March 3rd, with Jacqueline Scott Corley serving as mediator. We are writing to request the Court continue the time within which to complete mediation until April 4, 2008, to give Bank of America more time to complete the initial discovery it has said it needs to make mediation meaningful.

At the December 14, 2007 Case Management Conference, we stated we needed to conduct discovery prior to participating in mediation. We stated we needed approximately 90 days to complete discovery. Your Honor ordered mediation to take place prior to March 14, 2008, 90 days from the date of the Case Management Conference.

Due to scheduling conflicts we ended up selecting March 3rd as the mediation date, with mediation statements due February 25th, but the mediator indicated we could request additional time, if necessary.

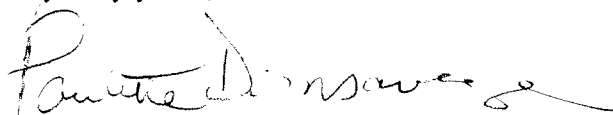
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The current schedule is too compressed. Defendant AIU Insurance Company ("AIU") is due to produce documents today and Bank of America's discovery responses will be served next week. We need time to analyze the documents and discovery responses and to take a deposition of AIU in order to present useful mediation statements and effectively participate in the mediation.

We are now writing to request a continuance of the time to complete mediation until April 4, 2008, to allow adequate time to complete the discovery which was contemplated. We conferred with Kevin McCurdy, counsel for AIU, about continuing the mediation, and proposed available dates prior to April 4, 2008. He states that his client will not consent. Nonetheless, we believe completion of the initial discovery is necessary to have a meaningful mediation, and respectfully request that the Court sign the enclosed proposed order continuing the date for completion of the mediation until April 4, 2008. Alternatively, we request the Court conduct a telephone discussion with the parties to address the issue. Ms. Scott Corley is out of the office until February 25, 2008. If Your Honor signs the proposed order, we will contact Ms. Scott Corley when she returns to schedule a new date.

Thank you for your consideration of our request.

Very truly yours,



Paulette Donsavage

PD:dj

Enclosure

cc: Kevin McCurdy, Esq.

1 JEFFREY KAUFMAN (SBN 48095)
2 KAUFMAN & LOGAN LLP
3 100 Spear Street, 12th Floor
4 San Francisco, CA 94105
5 Telephone: (415) 247-8300
6 Facsimile: (415) 247-8310

7 FRANKLIN DEAN THOMAS, ESQ. (SBN 67796)
8 HINES & THOMAS
9 Russ Building, Suite 835
10 235 Montgomery Street
11 San Francisco, CA 94104
12 Telephone: (415) 981-2623
13 Facsimile: (415) 981-4004

14 Attorneys for Plaintiff
15 Bank of America N.A.

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 BANK OF AMERICA N.A.,

19 Plaintiff,

20 vs.

21 AIU INSURANCE COMPANY, AIG
22 TECHNICAL SERVICES, INC. and
23 DOES 1 through 50, inclusive,

24 Defendants.

No. C 07-04638 JSW

**[PROPOSED] ORDER CONTINUING DATE
FOR COMPLETION OF MEDIATION**

1 The date by which the parties are to complete court-connected mediation is continued to April
2 4, 2008.

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4 So ordered.

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7 Date: _____

8 _____
9 Judge Jeffrey S. White
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